

DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF ST. THOMAS AND ST. JOHN

|                           |   |                      |
|---------------------------|---|----------------------|
| United States of America, | ) |                      |
|                           | ) |                      |
| Plaintiff,                | ) |                      |
|                           | ) |                      |
| v.                        | ) | Criminal No. 2008-34 |
|                           | ) | Under Seal           |
| Brian Alexander,          | ) |                      |
|                           | ) |                      |
| Defendant.                | ) |                      |
|                           | ) |                      |

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ATTORNEYS:

Gretchen Shappert, United States Attorney  
Kim Chisholm, AUSA  
United States Attorney's Office  
St. Thomas, U.S.V.I.  
*For the United States of America,*

ORDER

GÓMEZ, J.

Before the Court are the United States's motions to dismiss the indictment and quash the arrest warrant in this matter.

The United States initiated this criminal action, through a July 10, 2018, indictment, against Brian Alexander ("Alexander"). Before he could be arrested, Alexander died. To establish Alexander's death, the United States has submitted a document signed by Clinton Hilaire (the "Hilaire memorandum"), which indicates that Hilaire is an Inspector of Police of the

Commonwealth of Dominica. See Memorandum of Clinton Hilaire, ECF No. 8-2. The Hilaire memorandum indicates that Alexander died in Dominica on August 24, 2018. See *id.* Additionally, the United States has submitted a document that bears the label, Ministry of Health & Social Security, Medical Division - Dominica, Princess Margaret Hospital Death Card, which indicates that Alexander died in Dominica on August 25, 2018.<sup>1</sup> See Ministry of Health & Social Security, Medical Division - Dominica, Princess Margaret Hospital Death Card, ECF No. 8-1. The United States now moves to dismiss the indictment against Alexander.

Federal Rule of Criminal Procedure 48 governs the dismissal of an indictment by the Government. Fed. R. Crim. P. 48 in pertinent part provides that "[t]he government may, with leave of court, dismiss an indictment, information, or complaint." Fed. R. Crim. P. 48(a).

The premises considered; it is hereby

**ORDERED** that the United States's motion to dismiss the indictment and to quash the arrest warrant (ECF No. 8) is **GRANTED**; it is further

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<sup>1</sup> The Court notes that there is a discrepancy between the date of death reported in the Hilaire Memorandum and that reported in the Ministry of Health & Social Security, Medical Division - Dominica, Princess Margaret Hospital Death Card. For purposes of this order, the discrepancy does not affect the outcome.

**ORDERED** that the indictment dated July 10, 2008 is  
**DISMISSED**; it is further

**ORDERED** that the arrest warrant dated July 14, 2008 is  
**QUASHED**; and it is further

**ORDERED** that the United States's motions to dismiss the  
indictment and to quash the arrest warrant (ECF No. 5, ECF  
No. 6) are **MOOT**.

S\ \_\_\_\_\_  
Curtis V. Gómez  
District Judge